

OS REGISTRY  
FILE *Legal 100*

2 JUL 1979

*DCID 1/7*

MEMORANDUM FOR: Executive Secretary  
DCI Security Committee

FROM:   
CIA Member, DCI Security Committee

SUBJECT: Revision of DCID 1/7

REFERENCE: Memorandum from Chairman, DCI Security  
Committee, dated 30 May 1979, subject:  
DCID 1/7 (SECOM-D-531)

Pursuant to your request, the Central Intelligence Agency has reviewed the latest draft revision of DCID 1/7 and the proposed National Security Agency amendment (6f.). We support amendment 6f., but withhold concurrence on the remainder of DCID 1/7 until the DCI Security Committee can give consideration to the following recommendations:

a. The draft DCID 1/7 has been circulated throughout the Agency and we have found that there is substantial concern and objection to the disappearance of the NOFORN caveat. Specifically, although it is recognized that under the proposed draft there would be a "negative presumption" of prohibition against any release to a foreign government without the permission of the originator, the draft does permit such release under certain conditions which include extracting or paraphrasing the information to insure that the source cannot be deduced. Nevertheless, it is felt that there could be information of such sensitivity that the originating authority would want to pass judgment prior to any such release. The NOFORN caveat serves this purpose, providing a visual reminder. Additionally, there is the grave possibility of the incorrect release of intelligence furnished CIA by a foreign government to another foreign government in violation of an explicit understanding or liaison agreement with the foreign government originating the intelligence. Again, the NOFORN caveat would provide a guaranty and "flag" against such disclosure.

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b. Controlled relief to the "third agency rule" has been granted to agencies within the Intelligence Community for dissemination of classified intelligence documents in other than original form. However, it is not felt that U.S. organizations outside the Intelligence Community should be the recipients of classified intelligence in any form, original or otherwise, without the permission of the originator. Therefore, it is suggested that page 3, paragraph 4, line 2, be changed to delete "in its original form" and read as follows: "... will not be released to U.S. organizations outside the Intelligence Community without permission of the originator."

c. Since the "field dissemination" paragraph in CIA reports provides, in part, some indication of the location of Agency installations abroad, it is recommended that paragraph 1k. of the attachment to DCID 1/7 be amended to require deletion of "field dissemination" and to read as follows: "... (5) the source description, and (6) "field dissemination" paragraph from all CIA Directorate of Operations reports ...."

d. Page 6, paragraph 6c, lines 5-8 -- To further clarify the rationale for use of the NOCONTRACT control marking, the following change is suggested beginning on line 5: "... would actually or potentially give him a competitive advantage in relation to other contractors or could reasonably be expected to cause a conflict of interest within his own company or among his associates because of his obligation to maintain the security of the information; ...."

e. Concern has been expressed regarding the proposal to apply the PROPIN control marking to unclassified information. It is felt that a court of law may not uphold a decision to deny the release (possibly under a Privacy Act or Freedom of Information Act request) of information not bearing a security classification simply because the material in question bears a PROPIN control marking. The Office of Security is in the process of seeking a legal opinion from the Office of General Counsel regarding this issue.

f. Page 1, footnote 2, subparagraph (2), line 3 -- suggest the word "processing" be inserted between the words "acquisition" and "or." This change would more clearly cover the intelligence cycle involving intelligence equipment and methodology.

g. Page 3, paragraph 5, subparagraph (2), line 3 -- correct typographical error by inserting the word "to" between the words "according" and "paragraph."



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